

# MISSOURI COURT OF APPEALS WESTERN DISTRICT

**IN THE INTEREST OF: Q.A.H, Plaintiff; JUVENILE OFFICER, Respondent, C.W.M.  
& C.D.M.,**

**Respondents,**

**v.**

**M.H. (Mother),**

**Appellant.**

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**DOCKET NUMBER WD75786**

**Date: July 16, 2013**

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Appeal from:  
Jackson County Circuit Court  
The Honorable Justine E. Del Muro, Judge

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Appellate Judges:  
Division Three: Before Division Three: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin and Gary Witt, Judges

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Attorneys:  
Mary S. Matt, Kansas City, MO, for Plaintiff; Sandra J. Wirtel, Kansas City, MO, and Casey P. Murray, Leawood, for Appellant, for appellant.  
Marina E. Bell, Kansas City, MO for Juvenile Officer; James W. Waits and Sarah Johnston, Kansas City, MO for Respondents, for respondent.

# **MISSOURI APPELLATE COURT OPINION SUMMARY**

## **COURT OF APPEALS -- WESTERN DISTRICT**

**IN THE INTEREST OF: Q.A.H, Plaintiff; JUVENILE OFFICER, Respondent,  
C.W.M. & C.D.M.**

**v.**

**M.H. (Mother),**

WD75786

**Respondents,**

**Appellant.**

Jackson County

Before Division Three: Lisa White Hardwick, Presiding Judge,  
Cynthia L. Martin and Gary Witt, Judges

M.H. ("Mother") appeals the circuit court's judgment terminating parental rights to her daughter, Q.A.H. The circuit court terminated Mother's parental rights under Sections 211.447.5(2), (3), and (6), RSMo. Cum. Supp. 2012, on grounds that Mother had a mental condition that rendered her unable to care for Q.A.H. and that Mother had also failed to adequately provide support for Q.A.H. Mother contends the judgment should be reversed because it is unsupported by clear, cogent, and convincing evidence on the three statutory grounds for termination.

**REVERSED AND REMANDED.**

Division Three holds:

The grounds relied on by the circuit court in terminating Mother's parental rights are not supported by clear, cogent, and convincing evidence. A termination of parental rights must be based on evidence concerning the conditions that exist at the time of

termination and a consideration of future harm to the child by a continued relationship with the parent. Here, in terminating Mother's parental rights to Q.A.H., the circuit court did not consider facts as they existed at the time of termination, nor did the court conduct an adequate prospective analysis of potential future harm. Accordingly, we reverse the judgment terminating Mother's parental rights and remand the cause to the circuit court, which retains jurisdiction over Q.A.H.

Opinion by: Lisa White Hardwick, Judge

**July 16, 2013**

**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**